



## Law, Business and Society, 12e

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### Overview

Law, Business and Society, 12e fits both upper-division undergraduate and masters levels courses in the legal environment of business, government and business, and business and society. Law, Business and Society, takes an interdisciplinary approach, using elements of law, political economy, international business, ethics, social responsibility, and management. Students will find an interesting, provocative reading experience filled with contemporary legal and ethical conflicts emerging from today's news, as well as scholarly results, surveys, polls, data, anecdotes, and other specific details that lend credibility, immediacy, and interest to the reading experience.

### Chapter Changes

**Chapter 1** includes discussion of the Wells Fargo scandal, an updated overview of economics and politics in China and Russia, and a brief glimpse at Brexit as well as Martin Shkreli, indicted financier and exploiter of the U.S. pharmaceutical market. Thomas Piketty's highly publicized research examining income inequality and the decline of the middle class is also discussed.

**Chapter 2** offers updated discussions of the governmental response to the role of big banks in the Great Recession that resulted in large fines for big banks but few white-collar imprisonments. General Motors' ignition switch failure is examined as a business ethics/criminal scandal, and a brief case study of the ethical implications of working for a boss who is an authoritarian "jerk" also is provided.

**Chapter 3** examines criticism of a "rigged" U.S. tax code permitting tax havens abroad, as well as corporate and family wealth as threats to democracy, along with evidence of an increasing embrace of social responsibility by the business community and millennials. The decision of Dan Price, Gravity Payments CEO, to implement a \$70,000 minimum wage for his employees also is discussed.

**Chapter 4** poses such questions as whether a Missouri court can assert jurisdiction over a Texas vehicle dealership in a breach of contract claim brought by a Missouri resident who purchased a truck on eBay from it, and whether an employer's discovery request for an employee's cellphone GPS records to defend against a wage claim should be granted. The discussion of whether a party to a lawsuit can be served a summons via Facebook is updated. Whether online legal services such as the smartphone app Shake resolve or make starker the differences in access to justice also is considered. Discussion of the bill "The Fairness in Class Action Litigation Act of 2017" is included.

**Chapter 5** looks at the case of Barronelle Stutzman, the Washington floral shop owner who declined to sell flowers for use by her friend in his same-sex marriage, as well as the 2015 Obergefell Supreme Court decision affirming a constitutional right to same-sex marriage. The discussion of hate speech is updated to include the fear arising from Donald Trump's rhetoric, as well as a look at the controversial Oregon rock band's name: "The Slants."

**Chapter 6** offers an updated look at contractual principles that will engage today's college student. A new Legal Briefcase rules on the issue of whether a liability release signed by a gym member who does not speak or read English is enforceable. A new heading on the Uniform Electronic Transactions Act (UETA) includes a discussion of a 2016 Massachusetts case on whether text messages satisfy the Statute of Frauds, and a "box question" on contract negotiations via text messaging that includes an "emoji-only" reply. A new Internet

question asks students to compare the 2016 trial of a Thomas Jefferson School of Law graduate's fraud claim against the law school with fraud claims brought against Trump University. One of the new chapter-end questions considers an Indian Sikh's son's 2016 modern Hamer v. Sidway claim. Updated examples include agricultural drones replacing computer sales to illustrate compensatory damages for sales of goods contracts.

**Chapter 7**, using recent cases arising from secret picture taking and videotaping in gym locker rooms, updates its discussion of invasion of privacy while posing challenging questions requiring students to compare and contrast sets of facts, and consider whether and in what circumstances secretly taking images of another should be a crime. A new Legal Briefcase on negligence asks: should a restaurant serving "sizzling platters" be held liable for injuries suffered by a customer who prayed over the food at his table? The bill the Lawsuit Abuse Reduction Act of 2017 is discussed. The case of the parents of an Aurora, Colorado, movie theater shooting victim who had to pay the legal fees of the gun ammunition sellers they had sued is also offered for discussion. A chapter-end question on initial lawsuits arising from the December 2016 Ghost Ship fire in Oakland, California, in which dozens of people attending an electronic music concert in a warehouse zoned for commercial purposes were killed, asks students to identify defendants and possible claims.

**Chapter 8** provides a discussion of the growing federal–state, and state versus state, conflict over marijuana legalization, as well as the Federal Communications Commission's treatment of the Internet as a public utility, thus subjecting it to greater government oversight including net neutrality. Also discussed is whether the "new economy" including ride-sharing services (Uber) and short-term rentals (Airbnb) need more regulation.

**Chapter 9** includes a new heading on activist investors, recounting the history of shareholder activism from hostile takeovers in the 1980s to today's campaigns to improve management and board performance, as well as a new heading on major issues faced by boards of directors, including cybersecurity. An updated discussion of securities crowdfunding is also provided. The 2016 U.S. Supreme Court case of *Salman v. United States* on whether the tipper has to receive a personal benefit to be held liable for insider trading is included as a new Legal Briefcase.

**Chapter 10** examines critics' arguments for enhanced antitrust enforcement as a remedy for high prices, income and wealth inequality, barriers to new competition, and the distortion of democracy. The application of antitrust law to daily life, including the price of beer, human eggs, and e-books, is discussed, along with athletes' claims against the NCAA. Antitrust law's application to employee "poaching" policies in the Silicon Valley also is included.

**Chapter 11** poses challenging questions such as: Are tech giants like Amazon abusive monopolies? Is industry consolidation a threat to the economy? The AB InBev's merger with SABMiller and other proposed mergers, including one among all of the world's leading agrichemical giants, also are highlighted. The Federal Trade Commission's lawsuit blocking the proposed Staples–Office Depot merger also is included.

**Chapter 12** updates employment law issues and trends, including an introductory discussion of a case that asks if an employer should be allowed to terminate an employee for using medical marijuana with a state-issued license. The impact of the "gig" or "on-demand" economy and the employment relationship is explored. Along with a new subheading on "Online Reputation" of job applicants, the discussion of résumé fraud is updated. The current status of an Obama administration overtime pay rule is offered, as well as updates on minimum wage. The impact of labor regulations on unpaid internships is explored through a box highlighting the Conde Nast fellowship program. The impact of employer-led "fitness tracker" programs and competitions also is offered for discussion. A new Legal Briefcase asks whether an at-will employee can sue an employer for fraud. The Deepwater Horizon discussion is updated with a video clip from a recent movie inspired by those events. Millennials' possible impact on the enforceability of restrictive covenants also is offered as a point to consider.

**Chapter 13** updates the religious accommodation case against Abercrombie & Fitch, and discusses the EEOC's November 2016 Enforcement Guidance on National Origin Discrimination that brings the new glossary term "intersectional discrimination." The debate over the EEOC's systemic enforcement approach is offered with reference to the Texas Roadhouse case, and the 2017–2021 EEOC Strategic Enforcement Plan also is covered. The "gender gap" in workplace opportunities that may have resulted from employers' antiharassment policies are discussed, and chapter-end questions cover recent high-profile racial harassment and discrimination claims. A disability discrimination claim of a grocery store bagger with Down syndrome who was fired for cursing and insulting a cashier in the presence of customers also is included. A box on high-profile claims of sex discrimination in Silicon Valley offers questions on workplace culture. Competing Executive Orders on sexual orientation and gender identity discrimination protections between the Obama and Trump administrations are included. A new Legal Briefcase offers a fresh look at disparate impact in an appellate decision on a claim brought by prison guards.

**Chapter 14** integrates the 2015 NLRB election rule and provides updates that include discussion of recent NLRB cases on social media postings as protected activity, political pins at work, and ethics questions regarding the use of prisoners as laborers. The U.S. Supreme Court's 2014 decision in *Harris v. Quinn* is discussed, and the "right to work" material is updated. An emerging approach to farm labor practices is highlighted.

**Chapter 15** includes discussion of the fraud allegations against Trump University, as well as celebrity bankruptcies. The Food and Drug Administration's decision to regulate e-cigarettes also is discussed.

**Chapter 16** discusses how globalism, and, alternatively, the recent surge in nationalism, may influence trade and immigration policies. The impact of Brexit on trade agreements is examined. Facebook's efforts to update its global community standards to protect minority groups around the world and its collaborative effort to counter hate speech in Germany are discussed, along with the broader question of whether and to what extent Internet providers have a responsibility to regulate "fake news" posted on their news feeds. The European Union's \$14.6 billion tax assessment against Apple also is discussed. Updated cases explore corporations' liability for tortious acts overseas, including a chapter-end question on the aiding and abetting of child slavery in the Ivory Coast.

**Chapter 17** includes discussion of the ethical aspects of the water crisis in Flint, Michigan, and the socioeconomic factors that may have made the community more vulnerable to environmental injustice. The Fiat Chrysler and Volkswagen emission scandals also are explored. A discussion of the Paris Agreement reached at the 2015 Paris Climate Change Conference is included, along with a chapter-end question exploring how the 2016 Dakota Access Pipeline controversy highlights the environmental justice issues faced by Native Americans.

**Chapter 18** offers an updated discussion of net neutrality and open Internet rules in the United States, as well as of the European Union's new General Data Protection Regulation (effective 2018) and the EU-US Privacy Shield

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